

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL APONTE,

Defendant.

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CASE NO. 8:12CR352

ORDER

This matter is before the Court on its own motion as to whether the Defendant should be allowed to proceed in forma pauperis with regards to his Notice of Appeal (Filing No. 156). Aponte seeks to appeal this Court's Memorandum and Order and Judgment (Filing Nos. 154 and 155) denying his 28 USC § 2255 motion to the Eighth Circuit Court of Appeals. The Court's Memorandum and Order (Filing No. 159) denied the defendant's request for a Certificate of Appealability. He made no request to the Court seeking permission to proceed in forma pauperis. For the reasons that the Court denied the request for a Certificate of Appealability, the Court will also deny the Defendant leave to proceed in forma pauperis.

IT IS ORDERED:

1. The Defendant does not have leave to proceed in forma pauperis on appeal;
and
2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address and to the Eighth Circuit Court of Appeals.

DATED this 23rd day of June, 2015.

BY THE COURT

s/Laurie Smith Camp
Chief United States District Judge